

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOEL CHRISTOPHER HOLMES,

Petitioner,

V.

CHRISTOPHER LANESE,

## Respondent.

No. 3:19-CV-05027-RBL-DWC

## **ORDER ADOPTING REPORT AND RECOMMENDATION**

THIS MATTER is before the Court on the Report and Recommendation of Magistrate Judge David W. Christel [Dkt. # 4], Petitioner Holmes' Objections [Dkt. #], and the underlying record.

(1) The Report and Recommendation is **ADOPTED**.

(2) Holmes' habeas petition under 28 U.S.C. § 2254 is **DISMISSED WITHOUT PREJUDICE**.

(3) The Court will NOT issue a Certificate of Appealability under 28 U.S.C. §

2253(c)(2), for the reasons articulated in the Report and Recommendation.

The Clerk shall send copies of this Order to Holmes' last known address and to

Magistrate Judge Christel.

IT IS SO ORDERED.

**DATED** this 21<sup>st</sup> day of February, 2019.

Ronald B. Lightner

Ronald B. Leighton  
United States District Judge